

### ***REMARKS***

Claims 12-33 are pending in the application with claims 12, 21 and 29 being independent claims. Applicants respectfully request reconsideration of the Application in light of the above amendment and the following remarks.

#### ***Interview Summary***

Applicants appreciate the courtesies extended by the Examiner during the personal interview conducted on August 17, 2004. During the interview, independent claims 21 and 29 were discussed with respect to the Kuwabara patent. Applicants proposed amending the claims to recite a medical instrument. The Examiner suggested that such language would likely overcome the Kuwabara patent. The Examiner suggested that the Applicants submit the substance of their arguments in response to the Office Action. Applicants have amended the claims as discussed during the interview, but reserve the right to pursue claims of similar or broader scope in future applications.

#### ***The Claims are Patentable over the Kuwabara Patent***

Claims 21-25 and 27-32 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,423,428 to Kuwabara et al. ("the Kuwabara patent").

The Kuwabara patent discloses a pencil head for an automatic drawing instrument. Various pencil leads are positioned in tubes that are distributed around a turret and can be moved up from and down into the pencil head. A resilient insert is positioned in each of the tubes. The resilient insert has an opening in which the pencil leads are positioned. The exit of each tube has a fixed lead guide to maintain the position of the lead. A guide rod can move the lead through the resilient insert and down through the lead guide as the drawing instrument is operated.

Independent Claim 21 and its Dependent Claims

Independent claim 21 recites “a manipulandum configured as a medical instrument” and “automatically engaging the manipulandum based on a first movement of the manipulandum; and automatically releasing the manipulandum based on a second movement of the manipulandum.” The Kuwabara patent does not disclose or suggest automatically engaging and releasing a manipulandum configured as a medical instrument based on a movement of the manipulandum. In fact, as discussed during the interview, the Kuwabara patent is completely silent with respect to any sort of medical instrument. For at least this reason, independent claim 21 is allowable over the cited reference. Based at least on their dependence upon independent claim 21, dependent claims 22-25 and 27-28 are also allowable.

Independent Claim 29 and its Dependent Claims

Independent claim 29 recites “a grasping member configured to engage an elongate manipulandum configured as a medical instrument.” As discussed above, the Kuwabara patent does not disclose a medical instrument. For at least this reason, independent claim 29 is allowable over the cited reference. Based at least on their dependence upon independent claim 29, dependent claims 30-32 are also allowable.

***Allowable Subject Matter***

Applicants appreciate the Examiner’s indication of allowable subject matter in the application. A statement of reasons for allowable subject matter was set forth by the Examiner. While the Applicants agree that claims 12-20 are allowable for at least the reasons set forth in the Examiner’s statement, the Applicants submit that the invention as recited by the claims and as described in the present application is patentable over the art of record for reasons in addition to those listed in the Examiner’s statement. For example, Applicants note that the Examiner’s


statement addresses only independent claim 12. The dependent claims contain recitations in addition to those stated by the Examiner that provide additional bases for patentability over the art of record. Accordingly, the Applicants reserve the right to pursue claims of different scope than those in the present application. For example, such claims may not necessarily need to include the elements identified in the Examiner's statement. Applicants further note that the Examiner's statement is directed only to claims 12-20 and the indication of allowable subject matter in claims 26 and 33 is unrelated to the Examiner's statement.

***Conclusion***

All rejections have been addressed. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that further personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,  
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